

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAIMLER CHRYSLER FINANCIAL
SERVICES AMERICAS LLC, a
Michigan Limited liability company

ORDER

Plaintiff,

07-C-0101-C

v.

HINTZ PROPERTIES LLC, a
Wisconsin limited liability company,
JOHN C. HINTZ, an individual and
NANCY R. HINTZ,

Defendants.

Plaintiff DaimlerChrysler Financial Services Americas, LLC filed this civil action for money damages on February 2, 2007. Plaintiff contends that diversity jurisdiction exists and for the most part, has shown that this contention is correct. It alleged in its complaint that it is a Michigan limited liability company with its principal place of business in Michigan and that its sole member is DaimlerChrysler Corporation, a Delaware corporation with its principal place of business in Michigan. It alleged that defendants John C. Hintz and Nancy R. Hintz are citizens of the state of Wisconsin. So far, so good. Unfortunately, one gap

remains: the citizenship of defendant Hintz Properties LLC, which is alleged to be a Wisconsin limited liability partnership.

“[T]he limited partnership has become ‘a notorious source of jurisdictional complications,’ in which ‘mistakes concerning the existence of diversity jurisdiction are most common.’” Hart v. Terminex Int’l, 336 F.3d 541 (7th Cir. 2003) (citing McMahon v. Bunn-O-Matic Corp., 150 F.3d 651, 653 (7th Cir. 1998), and Market Street Assocs., 941 F.2d 588, 590 (7th Cir. 1991)). This is because the citizenship of unincorporated associations, such as the defendant in this case, must be traced through its partners. Each partner’s citizenship must be diverse from the opposing party’s citizenship. Thomas v. Guardsmark, LLC, 487 F.3d 531, 533 (7th Cir. 2007). If any partner is itself a partnership, then the citizenship of those partners must be traced as well, through however many layers of partners or members there may be. Meyerson v. Showboat Marina Casino Partnership, 312 F.3d 318 (7th Cir. 2002).

ORDER

IT IS ORDERED that plaintiff DaimlerChrysler Financial Services Americas, LLC may have until October 26, 2007, in which to advise the court of the citizenship of the

members of defendant Hintz Properties LLC.

Entered this 16th day of October, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge